

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SIVAPRASAD KAMBALA,
Plaintiff,

v.

GEICO CORPORATION,
Defendant.

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**CIVIL ACTION NO.:
4:21-cv-2759**

JURY DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT

TO THE HONORABLE U.S. DISTRICT COURT JUDGE:

NOW COMES Plaintiff Sivaprasad Kambala (hereinafter “Plaintiff”) in the above-referenced matter, complaining of and about Defendant Geico Corporation (hereinafter “Defendant”), and for the causes of action files this Plaintiff’s Original Complaint, showing to the Court the following:

I. PARTIES

1. Plaintiff is an individual residing in Harris County, Texas. Plaintiff is a citizen of the United States and the State of Texas.

2. Defendant is a Corporation, organized and existing under the laws of the State of Maryland and has an office located in Dallas, Texas. Defendant can be served by and through its registered agent, Dan Beacom at 2280 N. Greeneville Avenue, Richardson, TX 75082.

II. JURISDICTION

3. This Court has jurisdiction pursuant to 28 U.S.C. § 1331, as Plaintiff’s causes of action arise under federal statutes: Title VII of the Civil Rights Act of 1964, as amended (which

is codified in 42 U.S.C. §§ 2000e-2(a) and 2000e-3(a)) (hereinafter “Title VII) and the Civil Rights Act of 1866, as amended, 42 U.S.C. § 1981.

4. Venue is proper in the Southern District of Texas – Houston Division pursuant to 28 U.S.C. § 1391(c)(2) because the Defendant resides in the Southern District of Texas.

III. NATURE OF THE ACTION

5. This is an action brought pursuant to Title VII to correct and recover for Defendant’s unlawful national origin discrimination, age discrimination, and retaliation, and to deter Defendant from continuing its unlawful and discriminatory employment practices.

IV. FACTS

6. Plaintiff began his employment with Defendant on January 29, 2016. Plaintiff was employed as a Senior Technical Systems Analyst II. Plaintiff’s work performance was satisfactory or better in all aspects.

7. On or about July 22, 2016, Plaintiff filed an internal complaint with Defendant’s Human Resources Department complaining of national origin and age-related discriminatory workplace practices in regard to harassment and hostile work environment Plaintiff was experiencing. Plaintiff complained that his co-workers, managers, and third-party business partners had made race-based derogatory remarks to him and had mistreated him because of his age and national origin as an Indian.

8. On August 5, 2016, in retaliation for participating in a protected activity, Defendant terminated Plaintiff’s employment. Additionally, similarly situated younger and non-Indian employees were treated more fairly than Plaintiff. This included less qualified individuals being promoted to leadership positions for which Plaintiff was denied the promotion because of his age and national origin.

9. Plaintiff filed a charge in the Equal Employment Opportunity Commission within the time frame to due so and received a Right to Sue Letter on May 25, 2021.

V. CAUSES OF ACTION

CLAIM 1 - NATIONAL ORIGIN DISCRIMINATION

10. Plaintiff incorporates by reference all the foregoing allegations in each of the paragraphs above as if fully set forth herein.

11. Defendant intentionally engaged in unlawful employment practices involving Plaintiff because of his national origin (i.e. Indian).

12. Defendant discriminated against Plaintiff in connection with the compensation, terms, conditions and privileges of employment; or limited, segregated or classified Plaintiff in a manner that would deprive or tend to deprive him of an employment opportunity or adversely affect his status because of Plaintiff's national origin (i.e. Indian) in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a).

CLAIM 2 - AGE DISCRIMINATION

13. Plaintiff incorporates by reference all the foregoing allegations in each of the paragraphs above as if fully set forth herein.

14. Defendant intentionally engaged in unlawful employment practices involving Plaintiff because of his age.

15. Defendant discriminated against Plaintiff in connection with the compensation, terms, conditions and privileges of employment; or limited, segregated or classified Plaintiff in a manner that would deprive or tend to deprive him of any employment opportunity or adversely affect his status because of Plaintiff's age in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a).

CLAIM 3 - RETALIATION

16. Plaintiff incorporates by reference all the foregoing allegations in each of the paragraphs above as if fully set forth herein.

17. Defendant intentionally retaliated against Plaintiff because of the complaints of national origin discrimination and age discrimination made to Defendant in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a).

VI. JURY DEMAND

18. Plaintiff demands a jury on all issues to be tried in this matter. Plaintiff submits the jury demand and herein submits the jury fee.

VII. PRAYER

19. WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer herein, and that on final trial, Plaintiff have judgment against Defendant for:

- a. All damages to which Plaintiff may be entitled pursuant to this;
- b. Compensatory damages, including, but not limited to, emotional distress;
- c. Past, present and future physical pain and mental suffering;
- d. Punitive damages;
- e. Reasonable attorneys' fees, as allowed by law (with conditional awards in the event of appeal);
- f. Pre-judgment interest at the highest rate permitted by law;
- g. Post-judgment interest from the judgment until paid at the highest rate permitted by law;
- h. Costs of Court; and

- i. Such other and further relief, at law or in equity, to which Plaintiff may be entitled, whether by this Original Complaint or by any proper amendments thereto.

Respectfully submitted,



A handwritten signature in blue ink, appearing to read 'A. Kennard, Jr.', is positioned below the logo.

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